

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JAMES DUKES,

Plaintiff,

v.

LIEUTENANT MOHL, *et al.*,

Defendants.

No. 1:20-CV-00315

(Chief Judge Brann)

**ORDER**

**AND NOW**, this 25<sup>th</sup> day of May 2022, in accordance with the accompanying Memorandum, **IT IS HEREBY ORDERED** that:

1. Defendants' motion (Doc. 90) for partial summary judgment pursuant to Federal Rule of Civil Procedure 56 is **GRANTED** in part and **DENIED** in part, as follows:
  - a. Defendants' motion is **GRANTED** as to Dukes' Eighth Amendment claim against defendant Captain Albert.
  - b. Defendants' motion is **GRANTED** as to Dukes' official capacity claims against all Defendants.
  - c. Defendants' motion is **DENIED** as to Dukes' Eighth Amendment claim against defendants Lieutenant Brian Mohl, Sergeant David Kraynack, and Correctional Officer Testen.
2. Entry of judgment in accordance with paragraph one above shall be deferred pending resolution of Dukes' remaining Eighth Amendment claims.

3. Dukes' claims under Title II of the ADA are **DISMISSED** with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

BY THE COURT:

*s/ Matthew W. Brann*

Matthew W. Brann

Chief United States District Judge